

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,
Complainant,

v.

8 U.S.C. 1324A
Proceeding
Case No. 94A00194

LOU TESS FOOD SERVICE, INC. D/B/A
WEST STREET GRILL,
Respondent.

DECISION AND ORDER

Marvin H. Morse, Administrative Law Judge

Appearances: William F. McColough, Esquire,
for the Immigration and Naturalization Service.
Bruce A. Morrison, Esquire
for the Respondent

DISCUSSION AND DECISION:

These proceedings were initiated before me when, by notice of hearing dated November 3, 1994, respondent was advised of the filing by the Immigration and Naturalization Service ("INS") of a complaint alleging violations of the employment verification requirements of Section 101 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a ("IRCA").

By a joint "Motion to Approve Consent Findings", executed by counsel for complainant and for respondent, the parties have submitted under 28 C.F.R. 68.14(a)(1) a proposed agreement in settlement of these actions. The terms of the agreement are contained in a document entitled,

"Consent Findings", executed by Counsel for complainant and for respondent and by their principals on

The agreement of the parties reflected in the "Consent Findings" is in a form which satisfies the controlling regulation for disposition by the judge of "[a]ny agreement containing Consent Findings." 28 C.F.R. 68.14(b) Therefore, as provided by 28 C.F.R. 68.14(c), this Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSION OF LAW:

(1) The document entitled "Consent Findings", including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as fully as if set out herein.

(2) The parties have agreed, in effect, that respondent admits each and every allegation as set forth in Counts I, II, III, and IV of the Complaint and Notice of Intent to Fine, incorporated therein. I conclude that the document entitled Consent Findings is fair and satisfactory, and there is no reason not to accept it within the contemplation of 28 C.F.R. 68.14.

(3) On the basis of the "Consent Findings," I find and conclude that Lou Tess Food Service, Inc d/b/a West Street Grill has violated Section 274A (a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1)(B)) with regard to the employment of the individuals as identified in Count I, II, III, and IV of Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

(1) that the respondent pay a civil monetary penalty in the amount of two thousand four hundred dollars (\$2,400.00) in the manner provided for in the Consent Findings;

(2) that each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of this proceeding;

(3) that this Decision and Order has the same force and effect as a decision and order made after a full administrative hearing;

(4) that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the "Consent Findings" duly executed by the parties;

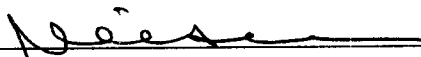
(5) that the parties have waived any further procedural steps before the administrative law judge;

(6) that the parties have waived any right to challenge or contest the validity of this Decision and Order; and

(7) that the hearing is canceled.

SO ORDERED.

Dated this 30th day of May, 1995.



Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Decision and Order were mailed, first class postage prepaid, this 30th day of May, 1995, addressed as follows:

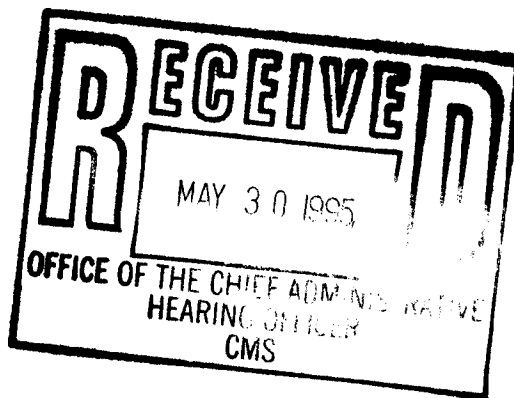
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